

MONTANA SENATE  
2007 LEGISLATURE

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY

DATE 2-23-07

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JOHN COBB (R)	✓		
SEN. JOHN ESP (R)	✓		
SEN. KIM GILLAN (D)	✓		
SEN. LYNDA MOSS (D)	✓		
SEN. TERRY MURPHY (R)	✓		
SEN. JERRY O'NEIL (R)	✓		
SEN. TRUDI SCHMIDT (D)	✓		
SEN. CAROL WILLIAMS (D)	✓		
SEN. DAN WEINBERG(D) CHAIR	✓		
LISA JACKSON (LSD)	✓		
PRUDENCE GILDROY, SECRETARY	✓		



**SENATE STANDING COMMITTEE REPORT**

**February 23, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 498**  
(first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Senator Dan Weinberg, Chair*

- END -

**Committee Vote:**

**Yes 6, No 3**

Fiscal Note Required \_\_\_\_\_

*KF*

412006SC.ssc



## SENATE STANDING COMMITTEE REPORT

February 24, 2007

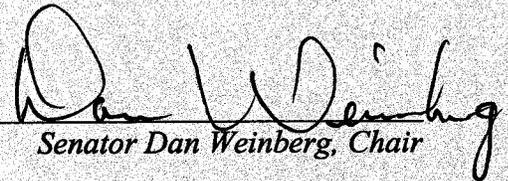
Page 1 of 4

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 428**

(first reading copy -- white) **do pass as amended.**

Signed:

  
*Senator Dan Weinberg, Chair*

**And, that such amendments read:**

1. Title, page 1, line 5.

**Strike:** "COSTS"

2. Title, page 1, line 6.

**Following:** "33-35-306,"

**Insert:** "AND"

**Following:** "53-4-1005,"

**Strike:** "AND 53-6-101,"

3. Page 1, line 11.

**Following:** "of"

**Insert:** "cancer"

4. Page 1.

**Following:** line 12

**Insert:** "(a) "Clinical trial" means a clinical trial of a cancer treatment drug, device, or service."

**Renumber:** subsequent subsections

5. Page 1, line 23 through line 25.

**Strike:** subsection (d)(i) in its entirety

**Insert:** "(e) (i) "Routine patient care" means medical services or items that would be covered under a person's group or individual disability policy, certificate of insurance, or membership contract if the person were not enrolled or participating in a clinical trial. Routine patient care includes administration of a drug or item under evaluation in a clinical trial only if the administration is included in or part of the administration of other drugs or items

**Committee Vote:**

**Yes 7, No 2**

Fiscal Note Required

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that would be covered if the person were not enrolled or participating in a clinical trial."

6. Page 1, line 26.

**Strike:** "the cost of"

7. Page 1, line 27.

**Following:** "service"

**Insert:** "that is under evaluation in the clinical trial"

**Following:** line 27

**Insert:** "(B) an investigational or experimental drug, device, service, or other item excluded under the terms of the policy, certificate, or contract;

(C) drugs, devices, services, or other items related to complications resulting from the clinical trial;

(D) services that are inconsistent with generally accepted standards of care or practice guidelines;"

**Renumber:** subsequent subsections

8. Page 1, line 29.

**Following:** "trial"

**Strike:** "and that" through "condition"

9. Page 1, line 30.

**Following:** "(C) a"

**Insert:** "drug, device, or"

**Following:** "defined"

**Insert:** "and included"

**Following:** "protocol"

**Strike:** "and that is outside of conventional care"

10. Page 2, line 5.

**Strike:** "costs incurred as the result of"

**Insert:** "provided to a person participating in"

11. Page 2, line 22.

**Strike:** "may not"

**Insert:** "is not required to"

**Strike:** "that supplant a portion of a cancer clinical trial that is"

**Insert:** "for drugs, devices, services, or other items that are"

12. Page 2, line 23.

**Following:** "paid for"

**Insert:** "or provided free of charge to the patient"

13. Page 2, line 24.

**Following:** "sources"

**Insert:** "as part of or in connection with a cancer clinical"

trial. If a provider is paid or reimbursed for any drug, device, service, or other item by both the health insurance issuer and the government agency or other sources, the provider shall reimburse the health insurance issuer"

**Following:** line 24

**Insert:** " (5) (a) If a person insured under a group or individual disability policy, certificate of insurance, or membership contract decides to participate in a clinical trial, the person or the person's physician shall notify the health insurance issuer in writing as soon as practicable that the person is participating in a clinical trial.

(b) The notice must specify the nature of the clinical trial and the entity or entities that have approved and are funding the clinical trial and must provide information demonstrating that the clinical trial meets the criteria specified in subsections (2) (a) through (2) (c).

(c) Following receipt of written notice as provided in subsections (5) (a) and (5) (b), the health insurance issuer shall cooperate reasonably with the person or the person's physician to provide information regarding the drugs, devices, services, and other items that will and will not be covered under the person's policy, certificate, or contract and the benefits that will be provided for covered drugs, devices, services, and other items.

(d) For purposes of the cooperation required under subsection (5) (c):

(i) the person or the person's physician shall make available to the health insurance issuer the clinical trial protocol and other information reasonably requested by the health insurance issuer; and

(ii) the person's physician or, at the request of the person's physician, the clinical trial sponsor, director, or other person knowledgeable about the details of the clinical trial shall answer the health insurance issuer's reasonable questions regarding the clinical trial, the person's participation in the clinical trial, and the drugs, devices, services, or other items that are included in or part of the clinical trial.

(e) A health insurance issuer is not required to provide information or to provide the coverage or benefits required under this section to the extent that:

(i) a person or the person's physician fails to provide notice or fails to provide information or access to knowledgeable persons as required in this subsection (5); and

(ii) the notice, information, or access is reasonably required by the health insurance issuer to determine the correct information or to determine the coverage or benefits available to the person under the person's policy, certificate, or contract"

**Renumber:** subsequent subsections

14. Page 2.

**Following:** line 30

**Insert:** "(8) This section does not preclude the application of deductibles, copayments, coinsurance, or other terms and conditions of a disability insurance policy, certificate, or contract that would apply to routine patient care if the person were not enrolled or participating in a clinical trial."

15. Page 6, line 14.

**Strike:** "costs of"

**Insert:** "for individuals enrolled in"

**Strike:** "pursuant to"

**Insert:** "as provided in"

16. Page 6, line 18 through page 9, line 14.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

- END -



**SENATE STANDING COMMITTEE REPORT**

**February 23, 2007**

**Page 1 of 1**

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 500**

(first reading copy -- white) **do pass.**

Signed:

  
*Senator Dan Weinberg* Chair

- END -

**Committee Vote:**

**Yes 6, No 3**

Fiscal Note Required

412005SC.ssc

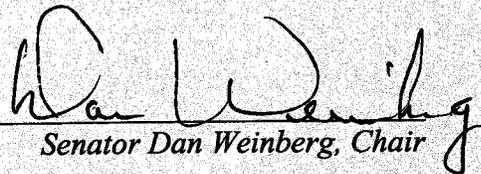


**SENATE STANDING COMMITTEE REPORT**

**February 24, 2007**  
**Page 1 of 1**

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 522** (first reading copy -- white) **do pass as amended.**

Signed:   
*Senator Dan Weinberg, Chair*

**And, that such amendments read:**

1. Page 8, line 19.  
**Strike:** "300"  
**Insert:** "400"

- END -

**Committee Vote:**

**Yes 7, No 2**

Fiscal Note Required \_\_\_\_\_

*KF*

421026SC.ssc



## SENATE STANDING COMMITTEE REPORT

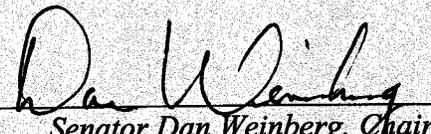
February 24, 2007

Page 1 of 4

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 518** (first reading copy -- white) do pass as amended.

Signed:

  
Senator Dan Weinberg, Chair

**And, that such amendments read:**

1. Title, lines 4 and 5.

**Following:** "BIRTH" on line 4

**Strike:** remainder of line 4 through "RESULTS" on line 5

**Insert:** "RESULTING"

**Following:** "STILLBIRTH;" on line 5

**Insert:** "AMENDING SECTION 50-15-101, MCA;"

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Page 1, line 9.

**Strike:** "-- definition"

3. Page 1, line 10.

**Following:** "birth"

**Insert:** "resulting in a stillbirth"

4. Page 1, line 11.

**Strike:** "The certificate must contain the information required under 50-15-221(4). The"

**Insert:** "Upon request by a parent, a"

**Following:** "of"

**Insert:** "birth resulting in a"

**Strike:** "is"

**Insert:** "must be filed"

5. Page 1, line 12.

**Committee Vote:**

Yes 6, No 3

Fiscal Note Required      

420935SC.ssc

**Following:** "certificate of"

**Insert:** "birth resulting in a"

6. Page 1, line 14.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) A certificate of birth resulting in a stillbirth may be filed by:

(a) the physician, the physician's designee, or the direct-entry midwife licensed pursuant to Title 37, chapter 27, in attendance at a stillbirth;

(b) the person in attendance at a stillbirth;

(c) the father or the mother;

(d) in the absence of the father and the inability of the mother, the person in charge of the premises where the stillbirth occurred; or

(e) the local registrar if 50-15-202 applies.

(3) The department shall adopt rules providing for:

(a) the time by which the certificate of birth resulting in a stillbirth must be filed after the stillbirth;

(b) the evidence required to establish the facts of a stillbirth; and

(c) the information required on a certificate of birth resulting in a stillbirth."

7. Page 1, line 15.

**Insert:** "Section 2. Section 50-15-101, MCA, is amended to read:

"50-15-101. **Definitions.** Unless the context requires otherwise, in parts 1 through 4, the following definitions apply:

(1) "Advanced practice registered nurse" means an individual who has been certified as an advanced practice registered nurse as provided in 37-8-202.

(2) "Authorized representative" means a person:

(a) designated by an individual, in a notarized written document, to have access to the individual's vital records;

(b) who has a general power of attorney for an individual; or

(c) appointed by a court to manage the personal or financial affairs of an individual.

(3) "Dead body" means a human body or parts of a human body from which it reasonably may be concluded that death occurred.

(4) "Department" means the department of public health and human services provided for in 2-15-2201.

(5) "Dissolution of marriage" means a marriage terminated pursuant to Title 40, chapter 4, part 1.

(6) "Fetal death" means death of the fetus prior to the complete expulsion or extraction from its mother as a product of conception, notwithstanding the duration of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or

definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(7) "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

(8) "Invalid marriage" means a marriage decreed by a district court to be invalid for the reasons contained in 40-1-402.

(9) "Live birth" means the complete expulsion or extraction from the mother as a product of conception, notwithstanding the duration of pregnancy. The birth is indicated by the fact that after expulsion or extraction, the child breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(10) "Local registrar" means a person appointed by the department to act as its agent in administering this chapter in the area set forth in the letter of appointment.

(11) "Person in charge of disposition of a dead body" means a person who places or causes a dead body or the ashes after cremation to be placed in a grave, vault, urn, or other receptacle or otherwise disposes of the body or fetus and who is a funeral director licensed under Title 37, chapter 19, an employee acting for a funeral director, or a person who first assumes custody of a dead body or fetus.

(12) "Physician" means a person legally authorized to practice medicine in this state.

(13) "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the department.

(14) "Research" means a systematic investigation designed primarily to develop or contribute to generalizable knowledge.

(15) "Stillbirth" means a fetal death occurring after a minimum of 20 weeks of gestation.

~~(15)~~ (16) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records. The term includes the collection of reports required by this chapter and related activities, including the tabulation, analysis, publication, and dissemination of vital statistics.

~~(16)~~ (17) "Vital records" means certificates or reports of birth, death, fetal death, marriage, and dissolution of marriage and related reports.

~~(17)~~ (18) "Vital statistics" means the data derived from certificates or reports of birth, death, fetal death, induced termination of pregnancy, marriage, and dissolution of marriage and related reports."

**Renumber:** subsequent sections

8. Page 1, line 19.  
**Strike:** "July 1, 2007"  
**Insert:** "January 1, 2008"

- END -

# SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

## PROXY VOTE

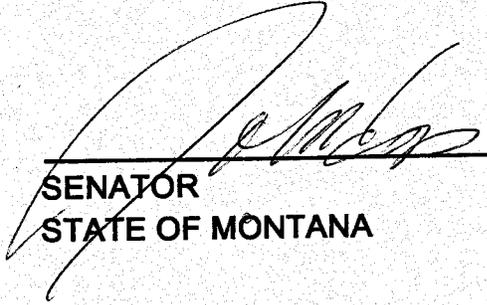
I, the undersigned, hereby authorize Senator O'Neill

to vote my proxy on any issue before the Senate Public Health

\_\_\_\_\_ Committee

held on Feb 23, 2007.

SB518 Aye  
rest No  
No on motion to  
reconsider candy  
cigarette bill

  
\_\_\_\_\_  
SENATOR  
STATE OF MONTANA

**MONTANA STATE SENATE  
2007 LEGISLATURE**

**PUBLIC HEALTH, WELFARE, AND SAFETY**

**VISITOR REGISTER**

DATE 2/23/07

BILLS BEING HEARD TODAY \_\_\_\_\_

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Lois Fitzpatrick	431-6122	Self	428	✓	
Ben Marchello	<del>238</del> -6290	Montana Cancer Consortium	428	✓	
Tom Purcell	671-7681	Montana Cancer Control Coalition	428	✓	
Jani McCall	670-3084	Billings Clinic	428 <sup>500</sup>	✓	
George Watson	585-5646	MT Board of Psychologist	522	✓	
MARK A. BURZYNSKI	447-8628	BLUE CROSS AND BLUE SHIELD OF MT	SB 522 AS Amendment	✓	
DONNA M. ZOOK	453-5638	MONTANA PSYCHOLOGICAL ASSOCIATION	522	✓	
Mike Foster	237-3038	SVH, SJH, HAH, WMH	SB 522	✓	
Beda Kovitt	431-4937	MT Med Assn; MT Psychiatry	SB 522		✓
Joyce DeLuzo	444-3969	DPHAS	SB 522	✓	
Michael J Siverdalt	541-8060	Mont. Psychiatric Assn	SB 522		✓
David Schaefer	442-0415	Mont Psychiatry Assoc	SB 522		✓
Marybeth Pelt	891-0268	Mont Psychol-ogical Assn	SB 522	✓	
Leonard Lentz MD	495-0045	Self	SB 522		✓
Cori Cook	245-3575	EBANK	428		
Angela Husekka	457-2291	New West Health Services	428	✓	
Michael Bütz	655-4364	Montan Psychology Res	SB 522	✓	
GARY MITCHELL	458-9738	NAM	522		✓
Stann H, II	652-1579	Cancer SOL	428	✓	
Donald Harr	248-8091	MT Psychiatric Association	522		✓

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

